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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,687	06/17/2005	Philip St John Russell	1034279-000065	5680

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BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

DEGHAN, QUEENIE S

ART UNIT	PAPER NUMBER
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1791

NOTIFICATION DATE	DELIVERY MODE
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07/22/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com
offserv@bipc.com

Office Action Summary	Application No. 10/506,687	Applicant(s) RUSSELL ET AL.	
	Examiner QUEENIE DEGHAN	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 98, 104, 109, 111, 112, 114, 115 and 117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 98, 104, 109, 112, 114 and 115 is/are rejected.
- 7) ☒ Claim(s) 112 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 112 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 112 recites the holes are adapted to allow passage of tubular shaped objects from one chamber to a neighboring chamber. It appears independent claim 111, from which claim 112 depends from, already recites holes being arranged to allow at least some of the elongated elements to pass from one chamber to a neighboring chamber in lines 6-7.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 104, 98, 109, 112, 114 and 115 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 104 recites a connector comprising apertures wherein ends of elongated elements of a preform are received and arranging the chambers of the connector so that the ends received in the apertures terminate in the chamber. Claim 104 further recites elongated elements are intended to pass through the apertures. The apertures were initially recited for receiving ends of the elongated elements of a preform. That is the ends of the elongated elements reside within the aperture. However the apertures

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were subsequently recited for passing the elongated elements through. It is unclear what the function of the apertures is, to receive ends of elements or to allow the elements to pass through. Further clarification is necessary.

5. Furthermore, there seems to be a lack of nexus between the chambers and apertures. For example, do the chambers comprise the apertures?

6. Claim 112 recites holes adapted to allow the passage of a tubular shaped object from one chamber to the next. Claim 112 depends from claim 111, which recites holes adapted to allow at least some of the elongated elements to pass from one chamber to the next. It is unclear if the tubular shaped object is the same as the elongated elements recited in the independent claim. Please clarify.

7. Claim 114 recites “wherein the opening of at least one section is arranged to provide access to the chamber of that section for a plurality of elongated elements having holes therein and extending in a preform longitudinally from the first end of the stack through to the section”. There are several unclear points in this limitation.

8. First, it is unclear what is longitudinally from the first end of the stack through to the section. Is the *opening* arranged longitudinally from the first end of the stack through to the section? Or are *elongated elements* arranged longitudinally from the first end of the stack through to the section? It appears the claim originally recited the opening/hole extends longitudinally from the chamber through to the first end of the stack. However the amendment seems to indicate perhaps the elongated elements extend longitudinally from the first end to the section.

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9. Second, the limitation recites *at least one* section and then later refers to "the section". It is unclear which section is being referred to in "the section", especially in the case when the "at least one section" comprises 2 or more sections.

10. Third, it is unclear what is meant by a plurality of elongated elements having holes therein and extending in a preform longitudinally from the first end of the stack through to the section. More specifically, it is unclear what is meant by elements extending in a preform. Are the elements separate from the preform or does the preform comprises of these elements? Also, how do elements that extend *in* a preform also extend longitudinally through the stack, if the elements are *in* the preform?

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claim 114 is rejected under 35 U.S.C. 102(b) as being anticipated by Presby (WO 82/03345). Presby discloses a connector comprising a plurality of sections (i.e. 15, 16) arranged in a stack extending in a longitudinal direction from a first end to a second end, each section comprising a chamber, a passage (i.e. 25, 26) in fluid communication with said chamber, and at least one opening (i.e. 33, 32), wherein the opening of a section is arranged to provide access to a chamber of that section. The opening capable of providing access for a plurality of elongated elements (such as 11 and 12 or elongated elements of a preform) extending longitudinally from the first end of

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the stack through to the section, said passage being connectable to an external pressure controller so that the chambers of the different sections can be pressurized to a different pressure (figures 1-2, 6, & 8, page 2-3).

Allowable Subject Matter

13. Claims 111 and 117 are allowed.

Response to Arguments

14. Applicant's arguments filed May 10, 2010 have been fully considered but they are not persuasive. Regarding claim 114 and Presby, the applicant argues Presby does not teach a plurality of elongated elements having holes therein and extending in a preform longitudinally from the first end of the stack through to the section. The claim has been amended by recited an intended use for the connector, that is to allow access for elongated elements of a preform. The structural limitation being recited in this case is an opening that is capable of providing access to the chamber for a plurality of elongated elements. As can be seen in figure 2, the opening 33 is capable of providing access to the chamber (16) for a plurality of elongated elements (11 and 12).

Therefore, the prior art of Presby meets the limitations of claim 114.

15. Although allowable subject matter has been incorporated into independent claim 104, the combination of limitations recited in former claims 97, 99 and 104 raises new 112 indefiniteness issues, as discussed above.

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

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§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to QUEENIE DEGHAN whose telephone number is (571)272-8209. The examiner can normally be reached on Monday through Friday 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Queenie Dehghan/
Examiner, Art Unit 1791